It is noted that items 27-29 of the Information Disclosure Statement have been considered but deemed inappropriate for printing on the face of the patent. Copies of items 32 and 33 were submitted to the Examiner on 06/08/99.

Rejections Under 35 U.S.C. § 112

Claims 1-10, 23, 26-42, 44-49, 54-59, 61-67, 69-73, 75, 78-96 are rejected under 35 U.S.C. § 112, second paragraph for failing to specifically point out and distinctly claim the subject matter which applicant regards as the invention. The claims, as amended, are now definite. Claims 57, 58 and 82 have been amended to depend from pending claim 49. In claims 1, 62, 70, 71, 91 and 94 the indefinite term "thin" has been removed. In claims 1, 40, 72 and 91 the indefinite term "reduced" has been replaced by more definite language reciting "less than atmospheric." Claim 14, reciting the indefinite language "higher than about 25", has been canceled. In claim 19 the indefinite language "reduced external pressure" has been replaced by more definite language reciting "less than atmospheric". In claim 26, the indefinite term "about" has been removed. In claim 30, the indefinite term "external" has been removed. In claim 65, the optional step (d) has been removed and a dependent claim (new claim 97) has been added to incorporate the optional material. In claims 81 and 87, the indefinite term "small" has been replaced.

Claims 14 and 79 are rejected under 35 U.S.C. § 112, first paragraph, on the grounds that they contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention. Claim 14 has been canceled. Claim 79 has been amended to recite "10^6-10^7 Pascal seconds." As amended, claim 79 is adequately supported by the specification.

Applicants respectfully request that the rejection under 35 U.S.C. § 112 be withdrawn.

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Rejections Under U.S.C. § 102

Claims 1-4, 6, 8, 19, 36, 49, 62-67, 71, 72, 78, 83, 85, 87, 91 and 93 are rejected under 35

U.S.C. § 102(b) as anticipated by US 5098893 ("Mergelsberg"). The rejection is based in part

on the claims potentially reading on the Mergelsberg method due to the open nature of the claim

language. The claims have been amended to avoid the inclusion of flavorings. As amended, the

claims are specific for a glass matrix-forming material containing a therapeutic agent,

prophylactic agent, or pharmaceutically effective substance selected from the group consisting of

diagnostic reagents, antibodies and antigens. Applicants respectfully request that this rejection

be withdrawn.

Claims 73 and 75 were rejected under 35 U.S.C. § 102(b) as being clearly anticipated by

US 4855326 ("Fuisz") or WO 89/06542 ("Roser"). Claims 73 and 75 have been canceled.

Applicants respectfully request that this rejection be withdrawn.
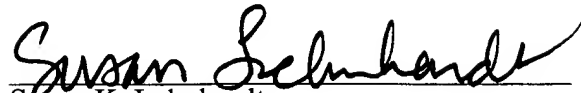

Conclusion

The above amendments and remarks fully respond to the rejections made in the

outstanding Office Action. Accordingly, this paper places the present claims in condition for

allowance. If a telephone call would further prosecution of this case, the Examiner is invited to

call the undersigned attorney at (212) 468-8186.

In the unlikely event that the transmittal letter is separated from this document and the

Patent Office determines that an extension and/or other relief is required, applicant petitions for

any required relief including extensions of time and authorizes the Assistant Commissioner to

charge the cost of such petitions and/or other fees due in connection with the filing of this

document to **Deposit Account No. 03-1952** referencing docket no. 263742001001. However,

the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit

Account.

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Respectfully submitted,

Dated: September 3, 1999

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